596247 B: 804 P: 908 RES 06/24/2020 11:21:05 AM Page: 1 of 3 R 0.00 D Dallas Schroeder Recorder, Elbert County, Co

STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

At a regular meeting of the Board of County Commissioners of Elbert County, State of Colorado, held at the Elbert county Administration Building in Kiowa, Colorado 80107 on Wednesday, the 24th day of June 2020, there were present:

Chris Richardson County Commissioner, Chairman

Rick Pettitt County Commissioner
Grant Thayer County Commissioner
Amanda Moore Deputy Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

RESOLUTION 20-12 IN SUPPORT OF THE PRESERVATION OF RIGHTS OF PEACEFUL ASSEMBLY AND PROTEST AND PROTECTION OF CITIZEN SAFETY AND PROPERTY

WHEREAS, the Declaration of Independence states, "We hold these truths to be self-evident: - that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed..." and

WHEREAS, the Constitution of the United States of America, ordained and established by The People, prohibits the abridging of the freedom of speech, the right of the people peaceably to assemble and to petition the government for a redress of grievances (Amendment 1). It further states, that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."; and

WHEREAS, Article II, the Bill of Rights of Constitution of the State of Colorado, Section 3 identifies that "All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.". In Section 6, it further provides for Equality of Justice. Section 10 provides for freedom of speech, and in Section 24. It states, "The people have the right peaceably to assemble for the common good, and to apply to those invested with the powers of government for a redress of grievances, by petition or remonstrance. Section 14, states, that "Private property shall not be taken for private use unless by consent of the owner"; and

WHEREAS, Colorado Revised Statutes, Section 30-10-301, requires commissioners to take an oath to support the constitution of the United States and of the state of Colorado, and to perform their duties of the office to the best of their abilities; and

WHEREAS, Colorado Revised Statutes, Section 30-11-107(2) describes the BOCC as the exclusive and final power to prepare and adopt the budget and appropriation for all offices, departments, boards, commissions and other agencies financed in whole, or in part, by county monies; and

WHEREAS, Colorado Revised Statutes, Section 30-10-516, states that "It is the duty of the sheriffs, undersheriffs, and deputies to keep and preserve the peace in their respective counties, and to quiet and suppress all affrays, riots, and unlawful assemblies and insurrections. Furthermore, is states Sheriffs "may call to their aid such persons of their county as they may deem necessary."; and

WHEREAS, Colorado Revised Statutes, Section 18-1-704 states that "...a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose."; and

WHEREAS, Colorado Revised Statutes, Section 18-1-706 allows for individual use of force that is reasonable and appropriate to prevent crimes like trespassing, theft, criminal mischief, or criminal tampering; and

WHEREAS, On May 25th, 2020 an officer of the Minneapolis, MN Police Department was filmed restraining Mr. George Floyd in a brutal and callous manner that led to his death in custody and this incident sparked both peaceful demonstrations and violent protest, riots, and looting across our nation and within our state; and

WHEREAS, Such violent demonstrations have led to damage and destruction of property (both public and private) and injury to both citizens and law enforcement officers in Denver, Colorado in addition to peaceful protest there and in counties adjacent to Elbert County; and

WHEREAS, violent protest that results in injury to the innocent and damage to the property of others is both criminal in nature and unacceptable to the citizens of Elbert County;

THEREFORE, BE IT RESOLVED, THAT THE ELBERT COUNTY BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, COLORADO recognizes that it is the solemn duty of all just governments to ensure the rule of law while also protecting the rights of citizens to peacefully assemble and protest in order to obtain a redress of grievances; and

BE IT FURTHER RESOLVED, that this Commission supports the Elbert County Sheriff in taking lawful and necessary actions to keep and preserve the peace and to quell any riot, or affray that threatens the safety of our citizens or property (public or private). Such actions not limited to authorizing additional paid hours of service by sworn deputies and increasing the size and capacity of the trained volunteer posse should violent unrest occur; and